

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 415 – SB 1287**

April 3, 2017

**SUMMARY OF ORIGINAL BILL:** Requires court clerks to notify the Department of Health (DOH) of any conviction for exploitation of an adult.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (004947):** Deletes all language after the enacting clause. Requires the Executive Director of the Commission on Aging and Disability to establish a public guardian working group within the Commission, which shall include representatives from the Department of Human Services, the Council on Developmental Disabilities, the Administrative Office of the Courts, the Department of Intellectual and Development Disabilities, and area agencies on aging and disabilities.

The working group shall review who has access to the services of a public guardian and who does not have access, and what best practices, if any, are available from other states with similar programs. The Commission shall report to the General Assembly by January 15, 2018.

Requires a completed criminal background check on any volunteer who will be in a position that involves providing direct contact with or direct responsibility for persons receiving services from the Department of Intellectual and Development Disabilities or the Department of Mental Health and Substance Abuse Services. The background check must be completed prior to the volunteer coming into any direct contact with service recipients.

Requires any person applying for employment with an assisted-care living facility to have a completed criminal background check prior to being employed.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Revenue – Exceeds \$100/Tennessee Bureau of Investigation**

Assumptions for the bill as amended:

- The Department of Intellectual and Development Disabilities and the Department of Mental Health and Substance Abuse Services report that background checks are already

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performed on volunteers that have direct contact with service recipients. The proposed legislation will not impact such departments.

- The Commission on Aging and Disability reports that it can accommodate the creation of the working group within existing resources.
- The Administrative Office of the Courts reports that it can accommodate any impact from serving on the working group within its existing resources.
- The Department of Health reports that requiring background checks for any person applying for employment with an assisted-care living facility prior to employment will not impact the Department.
- The proposed legislation authorizes the cost of the background check to be borne by either the employing entity or the person applying for employment.
- The Tennessee Bureau of Investigation charges \$32.65 for a fingerprint background check, of which the Bureau retains \$12.
- It is assumed that the proposed legislation will result in the Bureau completing at least 10 additional background checks each year as a result of this legislation.
- The proposed legislation will increase recurring state revenue to the Bureau by an amount estimated to exceed \$120 (10 x \$12).

#### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/trm